

EXHIBIT A

Terri Pechner-James

Deposition Answers Which Were Non-Responsive,
Evasive, Argumentative and/or Combative

1. Page 926-927:

18 Q. While you were meeting with
19 captains Chaulk and Roland. Did you raise the
20 mountain bike -- I'll call it the mountain
21 bike issue for lack of a better term.

22 A. Well, when I got skipped over in
23 1997 for the mountain bike, I received the
24 e-mail confirmation from Captain Chaulk that
1 stated I was on -- I was going to receive the
2 mountain bike. I was sent down to the church
3 on Revere Street for training.

4 It was my understanding that I was
5 going to be assigned to the bike unit, and
6 then I found out shortly thereafter that
7 Captain Colannino never received my request
8 for the bike unit, but I went through the
9 training, so I don't know what your
10 question -- I forget what your question was
11 but --

12 Q. Well, my question is, Did you raise
13 this passover or skipover, or call it what you

14 will, in the January 1999 meeting with

15 captains Chaulk and Roland?

16 A. Where was it going to get me?

17 Q. That wasn't my question. My

18 question is, Did you raise it?

19 A. I raised it with Captain Colannino

20 when it happened. I e-mailed Captain

21 Colannino just like my notes say. No, I

22 didn't -- I didn't -- I didn't make a stink of

23 it then, no.

2. Pages 929-934:

17 Q. Okay. Was it your understanding

18 that the reason you ultimately didn't get

19 assigned to the bike patrol was there was some

20 sort of clerical error?

21 A. Yeah. On behalf of Roy for his kid

22 again.

23 Q. And what do you mean by that?

24 A. A clerical error -- what are you --

1 because Roy told me that he didn't get my

2 paperwork for putting in for the bike unit.

3 Q. So somewhere from you to mister --

4 or to -- was he acting chief? Oh, no.

5 Captain Colannino.

6 Paperwork got lost in the shuffle.

7 Human error? Clerical error?

8 A. Not when I'm sent for training for

9 something. Captain Chaulk sends me for

10 training. That's not a clerical error.

11 That's an error on behalf of the

12 administration to communicate to one another.

13 Not my error.

14 Q. Well, I'm not saying it is.

15 A. Not my job.

16 Q. No, no. I understand. I'm saying

17 somewhere between --

18 A. That was because they didn't want

19 to give me the bike unit.

20 Q. Who didn't want to give you the

21 bike unit?

22 A. Roy Colannino.

23 Q. And why do you say that?

24 A. Because Roy had made statements,

1 when we were fighting for seniority, that the

2 females weren't going to get anything on that

3 job.

4 Q. And when did he say that?

5 A. I don't remember.

6 Q. Were you present when he said it?

7 A. He said it directly to Officer

8 Malatesta.

9 Q. Do you recall when?

10 A. No, I don't remember the date.

11 Q. When did you first learn about

12 that?

13 A. I don't recall.

14 Q. What did Officer Malatesta tell

15 you?

16 A. That Roy Colannino told her that

17 she'll never make any special assignment as

18 long as he's in that department.

19 Q. That who would never make any

20 special assignment?

21 A. Lynn.

22 Q. So that wasn't a reference to you

23 at all then?

24 A. No. He made reference to my

1 husband who was in the union.

2 Q. Okay. What did he say about your

3 husband?

4 A. He didn't say anything about my
5 husband. He said something about the females
6 on the job.

7 Q. I thought you just said that he
8 made reference to your husband who was in the
9 union?

10 A. Well, he made reference to my
11 husband who was in the union about the females
12 on the job.

13 Q. Oh. This is a comment that he made
14 to Mr. James? Not a comment that he made to
15 Lynn Malatesta?

16 A. He made two comments. He made
17 comments to my husband regarding the females
18 on the job, and he made a comment to Lynn
19 Malatesta because we filed a grievance,
20 because he put his kid on the job and he
21 didn't know how to speak Spanish, that she
22 would never get any special assignments.

23 So, shortly thereafter, none of us
24 got any special assignments. However, I
1 believe his son got that special assignment

2 for whatever reason why I was skipped over on

3 it.

4 Q. So you're saying that Kevin

5 Colannino got a bike -- a mountain bike patrol

6 assignment?

7 A. I don't know who got the bike at

8 this time. I don't remember who got it.

9 Q. What did Roy Colannino say to your

10 husband, Mark James?

11 A. I don't recall.

12 Q. When did he say it?

13 A. You'll have to ask him.

14 Q. When did Mr. James tell you about

15 the comment?

16 A. I don't remember.

17 Q. So all's you know is Roy Colannino

18 made some unspecified comment to Mark James at

19 some unspecified time?

20 A. Right.

21 Q. All right. And can you give me any

22 idea of the gist of the comment? The

23 substance of the comment? The topic?

24 A. Female officers.

1 Q. Okay. And what about female

2 officers?

3 A. I don't remember. That's all I

4 remember.

5 Q. So was that comment made sometime

6 around February to April of '97?

7 A. I don't know when the date was.

8 Q. Can you tell me if it was before or

9 after the mountain bike references here?

10 A. I don't know when the date was.

11 Q. And you don't recall when Mark told

12 you?

13 A. No.

14 Q. Was it before or after you were

15 married?

16 A. I don't remember.

17 Q. Before or after the January 1999

18 meeting?

19 A. I don't remember.

3. Pages 935-936:

1 Let me ask you to take a look at

2 the complaint again and specifically

3 paragraphs 55 to 58.

4 A. (Looks at document.)

5 Q. All right. You've had a chance to

6 review paragraphs 55 to 58?

7 A. Yes.

8 Q. And as I understand it, you weren't

9 present when this incident occurred?

10 A. No.

11 Q. Okay. When did you first learn

12 about it?

13 A. I don't remember.

14 Q. Did you learn about it sometime in

15 April of '97?

16 A. Shortly after it happened.

17 Q. Okay. Within a week?

18 A. Yes.

19 Q. Who did you learn about it from?

20 A. Officer Curcio, Officer Malatesta,

21 and Officer Fish.

22 Q. Okay. Did they talk to you all at

23 the same time, or did you have conversations

24 with them individually?

1 A. Individually.

2 Q. Okay. Who did you talk to first?

3 A. Probably Lyn Curcio.

4 Q. Okay. What did she tell you?

5 A. What it says.

6 Q. Well, did she tell you absolutely
7 everything that's recorded beginning with the
8 first sentence of paragraph 55 through the
9 last sentence of paragraph 58?

10 A. No.

11 Q. Okay. What did she tell you?

12 A. Can you ask that question again?

13 Q. What did Lyn Curcio tell you about
14 this April 1997 incident?

15 A. I don't remember.

4. Page 967:

9 Q. And when you say marching, I'm
10 thinking of a group in step and in
11 formation --

12 A. Right.

13 Q. -- walking down the street?

14 A. Yeah, a police funeral.

15 Q. Okay.

16 A. You worked there.

17 Q. How far was it from the police

18 department to the funeral home? How far was
19 that?

20 A. Too far.

5. Page 971:

5 Q. Okay. Your notes on page 5 have a
6 reference to August 27 and being assigned to a
7 walking route? And you reference three junior
8 officers. Do you see that? I'm looking at
9 your notes, page 5.

10 A. I'm sorry. I thought you were
11 talking --

12 Q. No. The notes.

13 A. Okay. Page 5. What am I -- what
14 am I --

15 Q. The August 27 entry, the walking
16 route on Shirley Ave. with three officers,
17 junior. See that?

18 A. I see that.

19 Q. Who are the three officers you're
20 referring to there?

21 A. I don't know.

22 Q. Okay.

23 A. Look at the roster.

6. Pages 971-974:

24 Q. And you reference that Lieutenant

1 Foster's put you on the walking route as

2 punishment?

3 A. Correct.

4 Q. And in paragraph 22 of the

5 complaint you also make reference to

6 punishment. What do you mean by that?

7 A. That when Lieutenant Foster told me

8 that he's putting me on a walking assignment

9 till further notice because he was upset at me

10 for some personal reason that he decided to

11 make my life a living hell on the job.

12 Q. Did you perceive what Lieutenant

13 Foster was doing on August 24 through

14 August 27 as discipline?

15 A. Discipline because of what?

16 Q. Well, that's my question. Did you

17 perceive it as him disciplining you for some

18 act of misconduct?

19 A. I was told to watch my back because

20 Lieutenant Foster was out to get me.

21 Q. Okay. My question to you --

22 A. It was -- I'm answering your
23 question.

24 Q. No, you're not being responsive.

1 A. I'm being responsive. You want an
2 answer. I'll give it to you.

3 Q. Did you perceive the August 24 to
4 August 27 walking assignments as being
5 discipline for some act of misconduct? Yes or
6 no.

7 A. I was never reprimanded for any act
8 of misconduct.

9 Q. Okay. So you did not perceive the
10 August 24 to August 27 assignments as being
11 discipline for misconduct?

12 A. Again, I was never reprimanded for
13 any misconduct. I've answered your question.

14 Q. Okay.

15 MR. PORR: Mr. Dilday.

16 MR. DILDAY: Mm-hmm. Yes, I should
17 say.

18 MR. PORR: My question is really
19 much more simple than I think the witness is
20 making it. I'm asking for her perception. I

21 know she wasn't disciplined for misconduct.

22 That's a different answer to a different

23 question. All right?

24 MR. DILDAY: You're looking for a

1 yes or no on that one?

2 MR. PORR: I want to know, did she

3 perceive Lieutenant Foster's putting her on

4 walking routes from August 24 to August 27 as

5 an act of discipline for some act of

6 misconduct on her part.

7 MR. DILDAY: So what he wants from

8 you is a yes or no on that one.

9 Q. It's just a yes or no.

10 A. No.

7. Page 978:

13 Q. Is the 30th the first time you

14 began swapping shifts?

15 A. To get away from Bernie?

16 Q. Yeah.

17 A. I don't know.

18 Q. I'm sorry?

19 A. Could have been.

20 Q. Do you have any other indication in

21 your calendars that you were swapping shifts

22 before that to get away from Bernie?

23 A. No.

8. Pages 979-981:

7 Q. Okay. In the notes here for

8 August 30th, you indicate that you told

9 Captain Colannino that you were not sleeping?

10 A. Right.

11 Q. When did you start having trouble

12 sleeping?

13 A. Somewhere before I went back to the

14 day shift.

15 Q. I'm sorry? Before you went back --

16 A. Before I went back to the day

17 shift.

18 Q. So that would have been back

19 sometime between June and August?

20 A. I don't know. That's -- I don't

21 remember the exact date.

22 Q. Okay.

23 A. I mean, I --

24 Q. You were having -- but my

1 understanding was you didn't have any problems

2 with the Criminal Investigation Division

3 temporary assignment?

4 A. No. There may have been nights

5 that I didn't sleep because I may have had a

6 hanging, you know, that I didn't --

7 Q. I'm sorry. Because you had?

8 A. Because I had somebody hanging from

9 a tree. I mean, I had quite a few incidents

10 that were pretty traumatizing in CID, but I

11 really took that as part of my job and --

12 Q. Okay. Well, I guess my question

13 was, The August 30 entry where you told

14 Captain Colannino you were not sleeping, I

15 took that to be that you were telling Captain

16 Colannino you were not sleeping because of

17 what Lieutenant Foster was doing?

18 A. Correct.

19 Q. When did you start having trouble

20 sleeping because of what Lieutenant Foster was

21 doing?

22 A. Before I got back to his shift.

23 Q. Before you got back to the shift?

24 A. Mm-hmm.

1 Q. But Lieutenant Foster hadn't done
2 anything before you got back to the shift.

3 A. I was threatened before I got back
4 there. How would you feel if you were
5 threatened by somebody and then you had to go
6 and work for the guy and then look -- you
7 know, look what happened. I was put on a
8 walking route, called in a couple times by him
9 and Lieutenant Ford, so I'd rather know when
10 I'm going to be stabbed than not know.

11 Q. My understanding, from reading your
12 notes here on page 5 and from the questions
13 we've been going over today, is that you were
14 not told to watch your back until sometime
15 around August 9th.

16 A. Right.

17 Q. Okay. And Lieutenant Foster, the
18 first time you ever had a run-in of any kind
19 with him was August 24th?

20 A. Right.

21 Q. Did you begin losing sleep sometime
22 between August 9 and August 24?

23 A. I don't remember.

9. Pages 984-985:

21 Q. All right. Did you go see a doctor

22 on August 31st of '97?

23 A. I don't know. Look at my medical

24 notes. Take a look, you tell me. Help me out

1 here.

10. Pages 985-987:

2 Q. Now, on the 1st you did -- I'm

3 looking at both your calendar and page 5 of

4 your notes.

5 On the 1st you did a shift swap

6 with Officer Macaskill, correct?

7 A. Correct.

8 Q. So you didn't have to work for

9 Lieutenant Foster that day either?

10 A. No.

11 Q. So the last day you worked for

12 Lieutenant Foster was a partial day, a half

13 day, on the 27th?

14 A. I worked September 2nd, and that's

15 when he called me into the guard room.

16 Q. I'm using September 1 as my point

17 of reference here. So looking back from

18 September 1, the last day you had worked for

19 Lieutenant Foster was a half day on the 27th.

20 A. No. I worked for Lieutenant Foster

21 on September 2nd.

22 Q. I'm using September 1 as my point

23 of reference in looking back. I'm not looking

24 forward from September 1. I'm looking back.

1 A. Okay. And your question?

2 Q. So the last day you had worked for

3 Lieutenant Foster, as of September 1, was a

4 half day on the 27th of August?

5 A. I don't recall.

6 Q. Well, you didn't work for

7 Lieutenant Foster on the 28th or 29th, those

8 were your days off?

9 THE WITNESS: Can we take a break?

10 MR. PORR: Sure. By all means.

11 (Recess taken from 12:00 P. M. to

12 12:15 P. M.)

13 Q. What I was trying to establish as a

14 lead in to some follow-up questions is, On

15 September 1, when you traded shifts with

16 Officer Macaskill and you worked a PM shift,

17 that enabled you to work a shift without being
18 under Lieutenant Foster's supervision,
19 correct?

20 A. Correct.

21 Q. All right. So the 28th was your
22 day off, of August, the 29th of August was
23 your day off, the 30th you swapped shifts so
24 you didn't have to work for Lieutenant Foster,
1 the 31st of August you called in sick, and the
2 1st of September you swapped a shift so you
3 didn't have to work for Lieutenant Foster.

4 So when you came back to work on
5 September 2nd, the last time you had worked
6 for Lieutenant Foster was August 27th, a half
7 day, correct?

8 A. Correct.

11. Pages 992-994:

5 Q. Okay. Well, the point I'm getting
6 at is the only way Lieutenant Foster could
7 have pictures is either you gave them to him,
8 Lyn Curcio gave them to him, or Dawn Hagan
9 gave them to him.

10 A. Lyn Curcio is his buddy. Maybe Lyn

11 gave it to him.

12 Q. I'm sorry?

13 A. Lyn Curcio is his buddy so maybe

14 Lyn Curcio gave him some pictures. But

15 there's no pictures of me smoking marijuana

16 so...

17 Q. Lyn Curcio is Lieutenant Foster's

18 buddy?

19 A. Correct.

20 Q. Why do you say that?

21 A. Because I say it.

22 Q. Okay. But what do you base that

23 upon?

24 A. Lyn's a "yes" person.

1 Q. Okay. And when did you perceive

2 that Lyn Curcio became Lieutenant Foster's

3 buddy? When did that become apparent to you?

4 A. It's always been apparent.

5 Q. I'm sorry?

6 A. It's always been apparent.

7 Q. Were you and Lyn, when you came

8 from the academy, on the same shift together

9 in February of '96 under Lieutenant Foster?

10 A. I don't recall.

11 Q. I'm assuming that when you say it's
12 always been apparent, this is something you
13 have personally observed yourself?

14 A. Right.

15 Q. Okay. So do you have reason to
16 believe that Lyn Curcio may have given some
17 pictures of you to Lieutenant Foster from the
18 Mexico vacation?

19 A. I don't know why anybody would give
20 it to him.

21 Q. A minute ago, you suggested they
22 were buddies.

23 A. They're buddies, but there is no
24 picture, Attorney Porr, so I don't know if you
1 want to go on to the next -- we could sit here
2 and debate this all day long. There is no
3 picture of me smoking marijuana. I mean, if
4 he got a picture from somebody, then more
5 power to him.

6 Q. Okay.

7 A. If he got a picture, then I should
8 have been reprimanded, and I was never

9 reprimanded. I requested that there be a drug
10 test, and I was never drug tested because
11 there is no picture, and that was just his bad
12 tactics of harassing me.

12. Pages 1001-1005:

5 Q. In paragraph 27 of the complaint,
6 take a look at that, you allege that "Captain
7 Colannino failed to remedy Lieutenant Foster's
8 punishment of the plaintiff." What do you
9 mean by that?

10 A. By him putting me on a walking
11 route.

12 Q. Okay. But a walking route, of
13 course, is an assignment that any police
14 officer can be expected to undertake from time
15 to time, correct?

16 A. The walking route is assigned to
17 Harry DeFreitus, Ray Maniff, two officers that
18 have been on the job for over 20 years.

19 You worked for a police department.
20 I'm sure you're very well aware that
21 assignments may not -- it may not be in the
22 contract, but assignments are based on

23 seniority.

24 And for Lieutenant Foster to put

1 me on a walking route on Shirley Ave., it was

2 a punishment program, and it was very well

3 known in the department.

4 Q. So it violated your seniority

5 rights?

6 A. There was nothing in the contract

7 about seniority where you were going to work.

8 Q. So it didn't violate your seniority

9 rights?

10 A. It was harassment.

11 Q. Why do you say that?

12 A. Because Lieutenant Foster was upset

13 about something and he made it a personal

14 vendetta, and he used his power of being a

15 lieutenant to punish me and belittle and

16 harass me.

17 Q. But as I understand it, a walking

18 route is a valid assignment for an officer in

19 a police department.

20 A. Attorney Porr, you've worked for a

21 police department. You can understand it any

22 way you want. As a police officer, with
23 seniority, on the job, you can go there today,
24 you can go there tomorrow, you can go back six
1 months ago, you can go back six years ago, 600
2 years ago, if you look at the officers that
3 are on the walking routes that are assigned to
4 the police department -- even the day that I
5 was on the walking routes, that if there were
6 enough men, they would assign a walking route.

7 Even if there weren't, if there
8 were senior officers -- again, like I said,
9 DeFreitus, Ray Maniff, any of those officers,
10 they would walk their walking route.

11 That's where they were assigned.
12 That was okay with them. That's where they
13 wanted to be. Regular officers, the only time
14 an officer was assigned a walking route was
15 for a punishment program.

16 Officer Fish was assigned there
17 after maybe because she didn't write enough
18 tickets. So it became Lieutenant Foster's
19 punishment program to assign officers down to
20 Shirley Ave.

21 Q. So it was a disciplinary measure,

22 then?

23 A. Disciplinary? There is no

24 disciplinary. There's no order out that you

1 have to write that many tickets. Lieutenant

2 Foster liked to harass the female officers.

3 That's the bottom line.

4 Q. What I'm hearing, though, is that a

5 walking route is an assignment that is part of

6 the job of being a police officer, just like a

7 driving route, just like a cruiser?

8 A. What about the officers that are

9 involved in all sorts of things? I won't

10 mention -- we won't get into that because I'm

11 sure you're fully aware of what's going on.

12 What about those officers?

13 Why don't you look now and see if

14 they're assigned to a walking route and answer

15 your own question? That was Lieutenant

16 Foster's revenge for a personal vendetta that

17 he had against me. I can't answer it any

18 other way.

19 Q. Okay. And his revenge was to

20 assign you to a valid assignment as an officer
21 of the Revere Police Department, correct?

22 A. Can you ask that question again?

23 Q. His revenge was to assign you to a
24 valid assignment as an officer of the Revere
1 Police Department, correct?

2 MR. DILDAY: I will object to the
3 form.

4 MR. PORR: Fine.

5 THE WITNESS: I don't even know
6 what he asked.

7 MR. DILDAY: He can repeat it for
8 you.

9 Q. An assignment to a walking route is
10 a valid assignment as an officer of the Revere
11 Police Department?

12 A. Yes, it is.

13. Pages 1020-1021:

20 Q. Prior to January of '99, did you
21 ever call it the terror shift?

22 A. I worked on it.

23 Q. I know you worked on it. My
24 question was, Did you ever call it the terror

1 shift?

2 A. No.

3 Q. I'm sorry?

4 A. No.

14. Pages 1036-1037:

8 Q. Okay. Well, I ask because you've

9 signed two documents under the pains and

10 penalties of perjury and they're not

11 consistent, they cannot be reconciled, and I'm

12 trying to figure out if you can explain that

13 to me.

14 A. The gist of what happened can be

15 reconciled.

16 Q. Okay.

17 A. Maybe the captains that did the

18 report should have put, you know, when this

19 happened. Maybe they should have did a better

20 investigation and there would have been a

21 proper date in there.

22 Q. So it's your fault that --

23 A. In 1999, when we told Captain

24 Roland and Captain Chaulk about the incident,

1 if they took that and looked at it, at the

2 time of the Super Bowl last year, maybe they
3 should have went and found out what the date
4 was and what the time, and there would have
5 been an investigation done. We wouldn't be
6 sitting here wondering whether it was during
7 the Super Bowl or during the Kentucky Derby.
8 He said it and that was it.

9 Q. So it's Captain Roland and Captain
10 Chaulk's fault that one of your statements
11 under oath is wrong?

12 A. Right. It was their fault that
13 they didn't do a proper investigation.
14 Therefore, we would have known the date and
15 time back in 1997, not 2006.

15. Pages 1038-1047:

16 Q. Okay. Now, looking at
17 paragraph 61, in the last sentence, you allege
18 that "this heightened the hostility,
19 humiliation and degradation that permeated the
20 workplace." Do you see that?

21 A. Yes, I see.

22 Q. What hostility are you referring to
23 there?

24 A. I don't know.

1 Q. You don't know?

2 A. (Shakes head.) No.

3 Q. You're shaking your head no, okay.

4 A. I don't know.

5 Q. Did you know what hostility you

6 were referring to when you signed this

7 complaint under oath in 2003?

8 A. Yes.

9 Q. Okay. Has something happened

10 between now and then that you've forgotten?

11 A. Yeah. My brain is not functioning.

12 Q. Okay. Is it not functioning to the

13 point where you can't continue to answer

14 questions to the best of your ability during

15 the course of this deposition?

16 A. No. Ask me another question.

17 Q. Okay. Can you point to any act of

18 hostility that we've discussed from

19 February of '96, when you showed up after the

20 academy, to October of '97? Can you identify

21 any?

22 A. That make my career, my job, a

23 hostile working environment? This was a
24 '99 -- let me just give you an example so you
1 understand the hostility.

2 Q. I'd like an answer to my question.

3 MR. PORR: Counsel, I'm entitled to
4 an answer to the question asked.

5 MR. DILDAY: What was the original
6 question, ma'am?

7 MR. PORR: Can you identify any --

8 MR. DILDAY: No, no. You gave a
9 secondary question after that. What was the
10 secondary question when she said she didn't
11 remember?

12 THE WITNESS: He asked from the
13 time I got on the job.

14 MR. PORR: Right.

15 THE WITNESS: I tried to give him
16 an answer.

17 MR. PORR: Any acts of hostility
18 from February of '96 after she finished the
19 academy until October of '97 during the World
20 Series.

21 MR. DILDAY: Okay. I think she

22 said she was going to give you an example of
23 that.

24 MR. PORR: Well, she started off in
1 a direction that suggested to me she was going
2 to talk about something outside that time
3 period.

4 MR. DILDAY: Well, I don't know. I
5 just thought she said she was going to give
6 you an example.

7 MR. PORR: Okay. I'm listening.

8 A. Okay. We spoke earlier in the
9 deposition about Lieutenant Foster, with him
10 assigning me to the walking route.

11 Q. Okay. That's the August and
12 September of '97.

13 A. Correct.

14 Q. All right.

15 A. While I was assigned down there, I
16 recall an incident where I had to issue a
17 parking ticket to a gang member, and the kid
18 came after me and I requested backup -- this
19 was at 3:30 in the afternoon -- and backup was
20 very far away. I remember Sergeant Randall

21 responding to my request for help in his
22 personal vehicle as he was on his way home.

23 I remember on several occasions
24 where I wasn't receiving backup. I remember
1 when I complained about certain television
2 shows being on the TV, that it made my
3 environment a lot more stressful, every time I
4 said that there was a problem, when there was
5 something wrong. So there was quite a few
6 hostile situations.

7 Q. When did the parking ticket
8 incident you just mentioned occur?

9 A. I don't know. When I was on the
10 walking route.

11 Q. Do you have a reference to it in
12 your notes?

13 A. No. I just --

14 Q. Is there a reference to it on your
15 calendar?

16 A. No.

17 Q. Did you make any reference, any
18 notation of that incident at all?

19 A. Well, during these depositions,

20 you're asking me questions and you're asking
21 me questions about my job, you're asking me
22 questions about being put down on Shirley Ave.
23 on a walking assignment that is supposed to be
24 an assignment by the -- you know, the police
1 department, which it absolutely is.

2 However, when you are put under the
3 position that I was in, that I'm worried about
4 my lieutenant, never mind the people that are
5 out on the street, that could possibly kill
6 you. So, to me, that's hostile.

7 Q. Okay. My question is, Do you have
8 any documentation concerning this parking
9 ticket incident you just mentioned now?

10 A. Speak to Sergeant Randall. I'm
11 sure he'll remember it.

12 Q. It's not referenced in your MCAD
13 complaint, is it?

14 A. No.

15 Q. Not in the amended MCAD complaint?

16 A. It's not part of the complaint.

17 Q. Okay.

18 A. You asked me if I had some hostile

19 conditions, so I'm telling you that that was
20 possibly my life that I had to worry about,
21 where my backup was. So you asked a question.
22 I answered it.

23 Q. All right. Well, by identifying an
24 act of hostility, this is an act of hostility
1 that you're referring to in paragraph 61.

2 You're making it a part of the complaint.

3 So I'm just trying to see if I can
4 find out if there's anything that you know of
5 in writing that documents this parking ticket
6 incident with the gang member.

7 A. Why don't you give me the
8 definition for hostility, Attorney Porr?
9 Maybe I can understand -- maybe that's my
10 problem. Maybe I don't understand what the
11 hostility -- what the word means. Let me
12 know -- let me --

13 Q. Well, I'm just going to take your
14 complaint at face value and have to ask you
15 the questions that occur to me.

16 A. Right. Well, my attorney filled
17 out this, just like yourself. So I just want

18 to know, as an attorney, what does it mean?

19 What does hostility mean?

20 Q. But you signed it under penalty of

21 perjury.

22 A. Right. I signed it.

23 Q. Okay. So you had to have some idea

24 of what you were referring to when you signed

1 it, I assume.

2 A. I'm asking you for the definition

3 so I can maybe answer your question a little

4 better.

5 Q. What definition were you using when

6 you signed the complaint?

7 A. Again, my attorney drafted up this

8 complaint.

9 Q. I understand. But did you have a

10 definition in mind of hostility when you

11 signed the complaint?

12 A. Yeah. I live it every day.

13 Q. Well, no. That's a snide remark.

14 That's not an answer to the question.

15 Did you have a definition of

16 hostility when you signed the complaint?

17 A. Yes, I did.

18 Q. Okay. And what was that

19 definition?

20 A. I don't remember.

21 Q. Okay. Did you have acts of

22 hostility in mind when you signed the

23 complaint?

24 A. Yes, I did.

1 Q. What acts of hostility did you have

2 in mind?

3 A. The way you're talking to me right

4 now.

5 Q. And what's wrong with the way I'm

6 talking to you right now?

7 A. Because you're talking down to me

8 like I'm --

9 Q. I haven't raised my voice, have I?

10 A. What -- what are you trying -- I

11 mean, why don't you just ask the question and

12 get on with the deposition instead of wasting

13 time?

14 Q. Okay.

15 A. Next question.

16 Q. What acts of hostility did you have
17 in mind as related to paragraph 61 when you
18 signed the complaint?

19 A. I've answered the question.

20 Q. Okay. So the acts of hostility
21 were the events with Lieutenant Foster in
22 August and September, correct?

23 A. Mm-hmm.

24 Q. All right. That's a yes?

1 A. Yes.

16. Page 1048:

8 Q. Okay. That's your second
9 complaint, not receiving backup. When did you
10 begin experiencing the fact that you were not
11 receiving backup?

12 A. Quite a few times.

13 Q. When did you start noticing that
14 you were not getting backup?

15 A. Quite a few times.

16 Q. No, no. When did it start
17 happening?

18 A. I don't recall.

17. Pages 1051-1053:

15 Q. All right. Now, how did Sergeant
16 Doherty's comment about the sports commentator
17 heighten the problem with not getting backup?

18 A. Because, basically, his lack of
19 respect towards females on the police
20 department showed just that. That that's what
21 he thought. That's what he thought of
22 females. That's how we got on the job, you
23 know, that was Sergeant Doherty.

24 Q. So how did Sergeant Doherty's lack
1 of respect for females cause other individuals
2 not to back you up?

3 A. Because the other individuals were
4 getting away with doing whatever they wanted
5 because supervisors like that stood around and
6 did nothing.

7 Q. I'm trying to make the connection,
8 though, between how that resulted in a lack of
9 backup, how that created a problem with a lack
10 of backup.

11 A. Because if he can say that and get
12 away with that, then they don't have to back

13 us up.

14 Q. And did any officers tell you that
15 that's how they felt and how they responded to
16 his comments?

17 A. Oh, yeah. They came right up to me
18 and said, I'm not going to back you up at a
19 call when you arrest a murder suspect because
20 of that.

21 Q. Who did? Who said that?

22 MR. DILDAY: That was sarcasm.

23 Q. If it's sarcasm, tell me it's
24 sarcasm.

1 A. Yeah, it is a sarcasm.

18. Pages 1053-1054:

9 Prior to the Super Bowl or World
10 Series comment, whichever it is, what
11 incidents had occurred that had humiliated
12 you? I'm, again, referring to paragraph 61 of
13 the complaint where you talk about
14 humiliation.

15 A. The fact that my son's picture was
16 hanging up.

17 Q. Okay.

18 A. The fact that I was put lower on
19 the list because of the chief's -- Captain
20 Colannino's boy had seniority over us.

21 Q. Was that the seniority issue --

22 A. Yes.

23 Q. -- that was humiliating?

24 A. Yes, it was humiliating.

1 Q. Okay. But you ultimately prevailed
2 on that, correct?

3 A. After a fight like now.

19. Pages 1056-1059:

4 Q. Okay. Because what I'm trying to
5 figure out is your complaint alleges that
6 Sergeant Doherty's comment heightened the
7 hostility, humiliation, and degradation that
8 permeated the workplace.

9 So I'm trying to find out what
10 hostility, humiliation and degradation
11 permeated the workplace at the time you made
12 the comment, and then how the comment
13 heightened that.

14 So there was your son's picture,
15 the seniority grievance, being looked down

16 upon by, I guess, at least Lieutenant Foster

17 and maybe Lieutenant Santoro. Anything else?

18 A. Sexual assault.

19 Q. When did that occur?

20 A. I discussed that.

21 Q. Let me ask you to look at page 8 of

22 your notes. See the entry for November 19,

23 1998?

24 A. Yeah.

1 Q. Is that the sexual assault you're

2 referring to? Is that when it occurred?

3 A. Yeah.

4 Q. Okay. So that hadn't happened by

5 the time of Sergeant Doherty's comment, had

6 it?

7 A. I don't know.

8 Q. What do you mean you don't know?

9 A. I don't know.

10 Q. Well, you just told me that the

11 November 19, '98 entry is the entry you just

12 referred to as the sexual assault, correct,

13 involving Todd Randall?

14 A. Right.

15 Q. So you described that at a prior
16 deposition, correct?

17 A. Right.

18 Q. So, by definition, that could not
19 have happened as of January of '98 or
20 October of '97, that was still nearly a year
21 in the future?

22 A. You know, with all due respect, if
23 you want an incident, I'll give you an
24 incident, but the dates are very confusing to
1 me.

2 Q. Well, these dates aren't confusing.
3 We have them on paper.

4 A. Okay. Well, maybe if you ask the
5 question in a different manner that I can
6 fully understand, then I could answer your
7 question.

8 Q. All right. I'm trying to get an
9 understanding of the acts or incidents of
10 hostility, humiliation, and degradation that
11 were permeating the workplace at the time of
12 Sergeant Doherty's sports commentator comment.
13 I want to know what you are talking

14 about. Because you go on to say that his
15 comment heightened those things that permeated
16 the workplace.

17 So I'm trying to get the baseline
18 in terms of what was preexisting his comment
19 and then find out how that baseline was
20 heightened, because that's what your complaint
21 says happened.

22 A. Well, I think that Russo, the
23 police chief, with his comments that, you
24 know, it was before the females got on the job
1 that Russo had a big bearing on the
2 humiliation. I mean, I just --

3 Q. All right. So Russo's comments you
4 took as humiliating.

5 A. Yeah.

6 Q. All right. Your son's picture was
7 humiliating?

8 A. Yeah.

9 Q. The seniority grievance issue you
10 found humiliating?

11 A. The underwear hanging on the --

12 Q. It happened in 2001.

13 A. Okay.

14 Q. I'm trying to talk about --

15 A. It happened.

16 Q. -- what was happening in '96 and

17 '97.

18 A. Okay.

19 Q. So anything else in '96, '97 that

20 you found humiliating?

21 A. I don't recall.

20. Page 1061:

1 Q. Okay. I'd like to go back to

2 page 7 of your notes. All right. We started

3 talking about this big paragraph in the

4 middle, and the first, roughly speaking, half

5 of the paragraph deals with the sports

6 commentator comment, and we determined that we

7 could break the paragraph slightly more than

8 halfway down, and that a different incident

9 begins when you say, "Sergeant Doherty, on

10 several occasions, has yelled at me for using

11 fowl language." I think you mean f-o-u-l as

12 opposed to f-o-w-l.

13 A. Like I said, attorney, I didn't go

14 to school as long as you did, and my English
15 skills aren't as good as yours, so I apologize
16 for my long paragraphs. And if you have a
17 problem with that, then you shouldn't have
18 requested my notes.

19 Q. No. That's okay.

20 A. That's just what they are. Notes.
21 I didn't use Spell Check, and I didn't care
22 about my English language in my notes.

21. Pages 1065-1066:

21 Q. Okay. Did you report it to him
22 once or more than once?

23 A. They would sit there in the control
24 room and watch this whole thing go on, so they
1 were fully aware on several occasions that
2 this was going on. Not just with us. It
3 happened at a Christmas party one year with
4 Sergeant Doherty.

22. Pages 1067-1072:

17 Q. All right. Looking at the top of
18 page 4 of Exhibit 9 there, the Roland and
19 Chaulk report, if you look at lines 134 to

20 136, you were talking about him reprimanding
21 the female officers for language while a male
22 officer was present using even worse language.

23 Who's the male officer you're
24 referring to?

1 A. Ninety-eight percent of the police
2 department.

3 Q. Should that be plural, then, while
4 male officers were present?

5 A. Yes.

6 Q. Okay. All right. And what "worse
7 language" were male officers using that they
8 were never stopped from saying?

9 A. Lieutenant Santoro talking about
10 his body parts.

11 Q. We're talking about swearing now.
12 We're not talking about body parts. We're
13 talking about swearing.

14 A. It was plenty. There was quite a
15 bit of swearing.

16 Q. Well, I understand.

17 A. You represent the police
18 department, Attorney Porr. Come on. I mean,

19 walk into the police department today. Okay?

20 I mean, I think there's a lot more to be held

21 up except for, you know, someone using foul

22 language I admitted to saying. I went as far

23 as not to say a swear word because I knew it

24 bothered Sergeant Doherty so I didn't do it.

1 Q. Okay. But my question is, As

2 captains Chaulk and Roland put it here, you're

3 making an allegation that male officers,

4 plural, used worse language, and my question

5 is what worse language did they use? What did

6 they say that was worse?

7 A. I don't remember.

8 Q. Okay. Well, in your Lexicon, is

9 there anything worse than the "f" word?

10 MR. DILDAY: Objection.

11 A. Yes.

12 Q. Okay. What's worse than the "f"

13 word?

14 A. Yes.

15 Q. All right. And what is worse than

16 the "f" word?

17 A. I'm not going to sit here and get

18 into a discussion. This another completely
19 unacceptable.

20 Q. No. I want to know what male
21 officers said that was worse than using the
22 "f" word. You made an allegation that they
23 did so --

24 MR. DILDAY: It's not saying she
1 made the allegation. It's saying what was
2 stated to captains Roland and Chaulk.

3 MR. PORR: She's the one that
4 stated it.

5 A. I was not the only one. I was not
6 -- Officer Malatesta also complained about the
7 same incident. The same exact thing was said
8 to Office Malatesta. It was said to Officer
9 Curcio.

10 Speak to them two officers and
11 they'll both tell you that Sergeant Doherty
12 told both of them for saying swear words the
13 same exact thing that he said to me.

14 Q. All right. Paragraph 53 of the
15 complaint says only one officer spoke up at
16 the meeting.

17 Are you saying that more than one

18 officer spoke up about Sergeant Doherty's

19 double standard here?

20 A. Yes.

21 Q. Okay. How many officers at the

22 January 7, 1999 meeting spoke up about Officer

23 Doherty's double standard?

24 A. I know for a fact myself, Officer

1 Curcio, and Officer Malatesta spoke up. I

2 don't remember anybody else. I know what they

3 went through with Sergeant Doherty.

4 Q. So it was three officers, not one?

5 A. Correct.

6 Q. All right. And when you signed the

7 complaint under oath, were you aware of the

8 fact that the other two officers that you had

9 just mentioned had spoken up at the January 7,

10 1999 meeting?

11 A. I just remembered.

12 Q. Okay. Was it one of the other

13 officers that complained that the male

14 officers used worse language, or was that you?

15 A. I don't remember.

16 Q. I see.

17 A. But, again, if there was a proper
18 investigation done, you wouldn't be looking at
19 worse language, you'd be looking at a
20 completed investigation from Captain Roland
21 and Captain Chaulk, not a halfway, partially
22 completed investigation.

23 Q. Well, we'll get to that in a
24 minute.

1 A. I'm sure we will.

23. Pages 1077-1081:

17 Q. Okay. Ask you to turn to page 2 --

18 MR. DILDAY: Of this one?

19 MR. PORR: Right. Right. Of the
20 exhibit, 21.

21 Q. Ask you to look at paragraph D.

22 A. (Looks at document.)

23 Q. See paragraph D?

24 A. Yes.

1 Q. Is paragraph D a reference to
2 Sergeant Doherty?

3 A. I don't know.

4 Q. Okay. It sounds an awful like what

5 you allege in paragraphs 53 and 54 of the
6 complaint.

7 You want to take a look at the
8 complaint, again, at those paragraphs?

9 A. You're asking me if there's a
10 report not written by me?

11 Q. Correct.

12 A. And you're asking me who -- I don't
13 know. That was their investigation and I'm
14 not on here. I wasn't at this meeting. This
15 was Colannino, Chaulk, Callahan, Carey, and
16 O'Hara.

17 Q. Was there any other supervisor,
18 other than Sergeant Doherty, that singled out
19 female officers and made derogatory comments
20 about foul language and lectured them about
21 that?

22 A. I don't recall.

23 Q. Isn't Sergeant Doherty the only one
24 paragraph D could be referring to?

1 A. No.

2 Q. Who else could it be referring to?

3 A. I don't know. I wasn't the one

4 that made the statement.

5 Q. I know you're not the one that made
6 the statement. The question is not did you
7 make the statement or who made the statement.

8 The question is, Could the
9 statement have been made by anyone other than
10 Sergeant Doherty?

11 A. Yes. And I answered it.

12 Q. Okay. Who else could it be
13 referring to?

14 MR. DILDAY: You have to give him a
15 word answer.

16 A. I don't know. Quite a few
17 officers, you know, superior officers singled
18 out females and made derogatory comments about
19 'em.

20 Q. About foul language?

21 A. Yeah.

22 Q. Who else?

23 A. Well, according to you, I had foul
24 language, so it could be anybody.

1 Q. No. Please read paragraph D
2 carefully. It says, "A certain supervisors"

3 -- "a certain" and "supervisors" is a conflict
4 in singular versus plural -- "singles out
5 female officers and makes derogatory comments
6 about foul language and lectures the female
7 officers about such conduct.

8 "This supervisor" -- consistently
9 single there -- "does nothing to stop male
10 officers from using profanity and foul
11 language."

12 Now, that, to me, sounds like a
13 description of Sergeant Doherty from
14 paragraphs 53 and 54 of your complaint.

15 A. Yes.

16 Q. Would you agree? All right. It
17 also sounds to be consistent with the January
18 '99 report, Exhibit 9 to your deposition,
19 page 4, lines 127 to 136, correct?

20 A. Correct.

21 Q. And it also seems to be consistent
22 with your notes at page 7 in the second half
23 of the big paragraph related to October of
24 '97. Correct?

1 A. Correct.

2 Q. All right. So it seems to me that
3 paragraph D could only be speaking of Sergeant
4 Doherty, unless you can tell me that it might
5 also refer to somebody else.

6 MR. DILDAY: Objection as to form.

7 A. Sure.

8 Q. Sure what?

9 A. If that's what your assumption is.
10 I didn't write the report. I'm not going
11 to --

12 Q. It has nothing to do with writing
13 the report. Do you know of any other
14 supervisor, other than Sergeant Doherty, who
15 singled out female officers and made
16 derogatory comments about foul language and
17 lectured them about such conduct?

18 A. I don't recall.

24. Pages 1090-1095:

10 There's a side note on the
11 left-hand side for March 23. Do you know what
12 that says?

13 A. March 23rd, "Cook got arrested."

14 Q. What does that refer to?

15 A. That refers that Jerry Goodwin went
16 and arrested my son's father on warrants and
17 had a field day with his drugs -- I mean, he
18 arrested my son's father for a default
19 warrant.

20 Q. Okay. Who are you referring to?
21 Your son's father. Who's that?

22 A. My son's father, Luis Ortiz. His
23 nickname is Cookie.

24 Q. Oh, okay.

1 A. And he lived in Revere and he had a
2 default warrant, and Sergeant Goodwin went
3 over to his home address at 209 Revere Street
4 and arrested him.

5 Q. And then you said something about
6 him having a field day with his drugs?

7 A. Yeah.

8 Q. What do you mean by that?

9 A. You'd have to speak to him.

10 Q. No. No. You obviously meant
11 something when you said it. What did you
12 mean?

13 A. Sarcasm.

14 Q. What did you mean by the sarcasm?

15 Ms. Pechner, I'm entitled to an answer.

16 Ms. James, sorry, I'm entitled to an answer.

17 A. It means that just recently when I

18 spoke to my son's father and he informed me

19 that when he was arrested by the Revere Police

20 Department that Sergeant Goodwin did not log

21 in all the drugs that he was arrested for.

22 Q. And when did the husband of your

23 son tell you this?

24 MR. DILDAY: Father.

1 MR. PORR: I'm sorry. Yeah.

2 Sorry. Correct.

3 Q. When did the father of your son

4 tell you this?

5 A. About three months ago.

6 Q. Okay. And what drugs, in

7 particular, did he tell you that didn't get

8 logged in?

9 A. He didn't tell me.

10 Q. Okay. Did you report this to any

11 law enforcement agency?

12 A. Come on, Walter. Reported it to

13 Revere police so they could do something about
14 it.

15 Q. Okay. Did you? When?

16 A. No, I didn't. I didn't report it.

17 Q. Why not?

18 A. Sergeant Goodwin just assaulted his
19 girlfriend. He assaulted a police officer on
20 the job, Attorney Porr, and it was swept under
21 the carpet.

22 Q. How do you know that?

23 A. How do I know? Because it was --
24 Officer Joseph Rizutti was there, and there
1 was an assault that took place, and Officer
2 Rizutti told me that he was there and he did a
3 report just like all the reports that were
4 swept under the carpet, just like everything
5 that happened to me on the job.

6 Q. So back to --

7 A. So Sergeant Goodwin can get away
8 with an assault and battery on his girlfriend
9 and he can get away with assaulting a police
10 officer. Did anybody go to the attorney
11 general's with that? Did anybody go to the

12 state police to have Sergeant Goodwin

13 arrested, Attorney Porr?

14 Q. Were you there when it happened?

15 A. No, I wasn't. I'm telling you.

16 You asked me a question. You asked me who he

17 was, and I'm telling you what he told me. No,

18 I wasn't there.

19 Q. Okay. I'm referring to this

20 allegation that lieutenant -- I guess he's now

21 Lieutenant Goodwin assaulted his girlfriend.

22 Were you there when it happened?

23 A. No, I wasn't there.

24 Q. Okay. Have you talked to any of

1 the principals about that incident?

2 A. I talked to Officer Rizutti.

3 Q. Was he there when it happened?

4 A. Yes, he was.

5 Q. All right. And was he the officer

6 that got assaulted?

7 A. No, he wasn't.

8 Q. Who was the officer that got

9 assaulted?

10 A. Officer Chapman.

11 Q. Did you talk to him about it?

12 A. No, I haven't.

13 Q. Okay. And when did this happen?

14 A. I'm sure you're fully aware of it.

15 Q. The question is, When did this

16 happen?

17 A. I don't know.

18 Q. This year?

19 A. Yes.

20 Q. Okay. How long is the statute of

21 limitations on a charge of assault?

22 MR. DILDAY: Objection.

23 A. I don't know.

24 Q. So the answer to the other

1 question, then, you did not report to any law

2 enforcement agency what your son's father told

3 you about then Sergeant Goodwin taking and not

4 booking in all the drugs, correct?

5 A. Correct.

6 Q. All right. But you just learned

7 that about three months ago?

8 A. Correct.

25. Page 1131:

7 Q. Now, do you know what Captain
8 Chaulk did in terms of trying to get back at
9 Mr. Goodwin?

10 A. Yeah. He created a humiliating
11 work environment for me.

12 Q. In an effort to get back at Jerry
13 Goodwin?

14 A. I don't know. Whatever.

26. Pages 1133-1134:

15 Q. Okay. Did you seek any care or
16 treatment from a health care provider as a
17 result of the revelation in June of '98 that
18 allegations were being made about you and the
19 lieutenant and sergeant?

20 A. I never took medication before I
21 got on the job. I never took an
22 antidepressant. I never took a sleep
23 medication. I didn't have this problem until
24 all this started. So doctors, I mean, I never
1 saw doctors like I did when I got on the job.
2 I never had a problem with sleep, anxiety,
3 nightmares.

4 Q. But with respect to this specific
5 incident, June of '98, did you see a medical
6 professional about that incident?

7 A. I don't know. You have my medical
8 reports. I don't remember.

27. Pages 1141-1144:

13 Q. Okay. So you were more offended by
14 the posting of your son than you were by the
15 drawing of the penis.

16 A. Well, let me ask you, if somebody
17 called your child a "spic" or a "nigger" -
18 okay? - and they hung bulletin boards about
19 your children -- hung pictures, you went back
20 to your office and there were pictures hung up
21 about your child, I think that would have a
22 bigger effect than the penis drawn on the
23 bulletin board.

24 However, like I just said to you,
1 that's disgusting, just like the underwear
2 hanging up on there, just like everything else
3 that went on and nobody did anything about.

4 The chief had to walk by that. The
5 chief's office, he had to walk back and forth

6 all day long. Did the chief do anything about
7 it? If the chief didn't do anything about it,
8 what are the Indians going to do?

9 Q. Did you see the chief walk by --

10 A. Did the Indians have anything to
11 say when the chief is the ultimate person in
12 charge? You worked for a police department.

13 Q. Did the chief walk by the drawing
14 of the penis?

15 A. Ask him.

16 Q. Do you know for a fact whether or
17 not the chief walked by the drawing of the
18 penis?

19 A. I know for a fact that the chief's
20 office, in order to get to his office, you
21 need to walk by that bulletin board.

22 Q. Okay. That's fine. That's not the
23 question I asked, so let me ask the question I
24 asked again. Do you know --

1 A. I can't place the chief there, no.

2 Q. So you don't know one way or the
3 other?

4 A. No. I know that quite a few people

5 saw it.

6 Q. Okay. But by the same token --

7 A. I know Officer Malatesta saw it. I

8 know Patty Carey saw it. It was openly

9 discussed.

10 Q. And none of you erased it?

11 A. No.

12 Q. Did anything prevent you from

13 erasing it?

14 A. No.

15 Q. Okay. So why did you leave it up?

16 A. Maybe we were hoping that something

17 would result out of it.

18 Q. So you made a tactical decision it

19 was better to leave it up than erase it?

20 MR. DILDAY: Objection.

21 A. I wouldn't. I wouldn't say it was

22 tactical.

23 Q. Okay. Then what would you say it

24 was? Deliberate? You made a deliberate

1 decision to leave it up?

2 MR. DILDAY: Objection, again.

3 A. Yeah, that was deliberate.

4 Q. I'm sorry?

5 A. Yeah. That was deliberate. That
6 was sarcasm for the record. I've answered
7 your question so --

8 Q. Who did you talk --

9 A. -- find something else.

28. Pages 1145-1146:

10 Q. So back to my other question. As I
11 understand it, then, the picture of your son,
12 which you did take down, was more offensive to
13 you than the chalk drawing of the penis which
14 you did not erase, correct?

15 A. They were both offensive to me.

16 Q. I understand they were both
17 offensive. My question is, "Was the picture
18 of your son, which you did take down, more
19 offensive as opposed to the drawing of the
20 penis which you did not erase?"

21 MR. DILDAY: Objection. This has
22 been asked and answered.

23 MR. PORR: It's been asked. It's
24 not been answered.

1 MR. DILDAY: Well, it was answered.

2 She said more offensive.

3 Q. Is that accurate?

4 A. Correct.